

**LABOR SERVICES DIVISION[875]**

**Adopted and Filed**

**Rule making related to amusement rides and devices**

The Labor Commissioner hereby amends Chapter 61, “Administration of Iowa Code Chapter 88A,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code section 88A.3.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code chapter 88A.

*Purpose and Summary*

Item 1 clearly requires that a fatality related to an amusement ride or device must be reported to the Labor Commissioner. Item 2 makes two changes to the rule that allows selected owners of air-supported structures to perform inspections as a designee of the Labor Commissioner. Generators are added to the list of devices that designated owners may inspect, and an end date for the inspection designation is established. Item 3 rescinds language that prevents electronic payments in preparation for a new, electronic permitting system and more clearly states the Labor Commissioner’s policy on payments of fees.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on January 3, 2018, as **ARC 3539C**. No public comments were received. No changes from the Notice have been made.

*Adoption of Rule Making*

This rule making was adopted by the Labor Commissioner on February 13, 2018.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa. The changes are primarily administrative.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

Waiver procedures are set forth in 875—Chapter 1.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

*Effective Date*

This rule making will become effective on April 18, 2018.

The following rule-making actions are adopted:

ITEM 1. Amend paragraph **61.3(4)“a”** as follows:

a. The operator shall immediately report by telephone any accident that results in death or medical care beyond first aid.

ITEM 2. Amend paragraph **61.4(1)“a”** as follows:

a. *Annual inspection by owner.* At the discretion of the commissioner, the owner of an air-supported structure may be designated by the commissioner to perform the annual inspection of the owner's air-supported structure, ~~and blower, and related electrical equipment.~~ An owner designated pursuant to this paragraph shall perform the inspection according to applicable standards. The owner shall submit in the format required by the commissioner an affidavit attesting to the performance of the inspection, correction of code violations, and other required information. A designation pursuant to this paragraph shall terminate on December 31 of the year of issuance.

ITEM 3. Rescind rule 875—61.8(88A) and adopt the following **new** rule in lieu thereof:

**875—61.8(88A) Payments.** All fees are nonrefundable. Cash is not accepted. Based on reasonable justification, the commissioner may notify an individual operator that the operator's check will not be accepted.

[Filed 2/14/18, effective 4/18/18]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/14/18.